

(2010) 09 P&H CK 0433

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 6305 of 2010 (O and M)

Devinder Kumar Jain and
Another

APPELLANT

Vs

Life Insurance Corporation of
India

RESPONDENT

Date of Decision: Sept. 28, 2010

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 151, 152

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Judgement

Alok Singh, J.

Present petition is filed challenging the order dated 28.08.2010 passed by the learned Additional District Judge, Faridabad, whereby the application moved by the defendants - Petitioners for correction of the decree u/s 151 read with Section 152 C.P.C. was dismissed.

2. Mr. Sarjit Singh, learned senior counsel, appearing on behalf of the petitioner, assisted by Mr. Jagdev Singh, Advocate, argues that neither Trial Court nor Appellate Court granted 2.5% additional interest, even then the same is being recovered by the decree-holder illegally. Learned senior counsel for the petitioner further argues that suit was decreed along with 15 per cent interest at half yearly rests and nothing more was decreed, hence, decree-holder was not entitled to recover any additional interest beyond the terms of the decree.

3. I have perused the judgments passed by Trial Court, as well as, by the Appellate Court.

4. From the perusal of both the judgments, I find that neither Trial Court nor Appellate Court has granted 2.5% additional interest, rather 2.5% additional interest was declined, hence, no recovery can be made adding 2.5% additional interest.

Petitioner shall be at liberty to apprise the Executing Court and the learned Executing Court shall execute the decree strictly in accordance with the judgments passed by the learned Trial Court, as well as by the learned Appellate Court.

5. Petition shall stand disposed of accordingly.